

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MARIO CAMACHO,

Petitioner,

v.

TERRY ROYAL, *et al.*,

Respondents.

Case No. 3:20-cv-00488-ART-CSD

ORDER

This habeas corpus action was stayed on August 10, 2023, to allow Petitioner Mario Camacho, who is represented by appointed counsel, to complete a state habeas corpus action before proceeding with this case. (ECF No. 76.) On May 21, 2025, Camacho filed a motion to lift the stay and reopen this case, in which his counsel states that the state court action has concluded. (ECF No. 78.) Respondents filed a notice stating that they do not oppose the motion. (ECF No. 80.) The Court will grant Camacho's motion, will lift the stay and reopen the case, and will set a schedule for further proceedings.

It is therefore ordered that Petitioner's Motion to Reopen (ECF No. 78) is granted. The stay of this action is lifted. The Clerk of the Court is directed to reopen the case.

It is further ordered that, under Federal Rule of Civil Procedure 25(d), Terry Royal is substituted for Calvin Johnson, as the respondent warden. The Clerk of the Court is directed to update the docket to reflect this change.

It is further ordered that the following schedule will govern further proceedings in this case:

1. Third Amended Petition. Petitioner will have 30 days from the date of entry of this order to file a third amended petition for writ of habeas corpus, if necessary.

1           2. Response to Petition. Respondents will have 60 days following the filing  
2 of a third amended petition, or following the due date for a third amended petition  
3 if a third amended petition is not filed, to file an answer or other response to the  
4 third amended petition, or an amended answer or other response to the second  
5 amended petition.

6           3. Reply and Response to Reply. Petitioner will have 60 days following the  
7 filing of an answer to file a reply. Respondents will thereafter have 30 days  
8 following the filing of a reply to file a response to the reply.

9           4. Briefing of Motion to Dismiss. If Respondents file a motion to dismiss,  
10 Petitioner will have 60 days following the filing of the motion to file a response to  
11 the motion. Respondents will thereafter have 30 days following the filing of the  
12 response to file a reply.

13           5. Discovery. If Petitioner wishes to move for leave to conduct discovery,  
14 Petitioner shall file such motion concurrently with, but separate from, the  
15 response to Respondents' motion to dismiss or the reply to Respondents' answer.  
16 Any motion for leave to conduct discovery filed by Petitioner before that time may  
17 be considered premature, and may be denied, without prejudice, on that basis.  
18 Respondents shall file a response to any such motion concurrently with, but  
19 separate from, their reply in support of their motion to dismiss or their response  
20 to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in  
21 support of the motion for leave to conduct discovery.

22           6. Evidentiary Hearing. If Petitioner wishes to request an evidentiary  
23 hearing, Petitioner shall file a motion for an evidentiary hearing concurrently  
24 with, but separate from, the response to Respondents' motion to dismiss or the  
25 reply to Respondents' answer. Any motion for an evidentiary hearing filed by  
26 Petitioner before that time may be considered premature, and may be denied,  
27 without prejudice, on that basis. The motion for an evidentiary hearing must  
28 specifically address why an evidentiary hearing is necessary and must satisfy

1 the requirements of 28 U.S.C. § 2254(e). The motion must state whether an  
2 evidentiary hearing was held in state court, and, if so, state where the transcript  
3 is located in the record. If Petitioner files a motion for an evidentiary hearing,  
4 Respondents shall file a response to that motion concurrently with, but separate  
5 from, their reply in support of their motion to dismiss or their response to  
6 Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in support  
7 of the motion for an evidentiary hearing.

8 DATED THIS 5th day of June, 2025.

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12 ANNE R. TRAUM  
13 UNITED STATES DISTRICT JUDGE  
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